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*Gesammelte Abhandlungen zur Biblischen Wissenschaft, von DR. ABRAHAM KUENEN; aus dem Holländischen übersetzt von K. BUDDE. Freiburg i. B. und Leipzig, 1894, J. C. B. Mohr.*

THE treatises collected in this volume have long since taken their place among standard authorities. Most Old Testament students are familiar with their titles, few probably with their contents. Buried in learned periodicals and written in Dutch, they have hitherto been inaccessible to the average reader. In the *Theol. Literaturzeitung*, of July 22nd, 1893, Prof. Budde, after paying an eloquent tribute to the life and labours of Dr. Kuenen, drew special attention to his articles in the *Theol. Tijdschrift* as the finest specimens of the critical method, and lamented the fact that no translation of them was to be had. A few days after the appearance of his article Prof. Budde received from the publishers a request to collect and translate this series of studies. The present volume is the result. It exhibits, we need hardly say, all the well-known characteristics of Kuenen's work, lucidity, directness, uncompromising honesty. The critical weapon is passionless cold steel of the finest temper, and it is wielded by the hands of a master.

Prof. Budde, in his interesting introduction, written with the enthusiasm of a disciple and the warmth of a personal friend, dwells upon the moral qualities of Kuenen's work. Spiritual interests are kept under studious reserve; they find expression in the manner, rather than in the matter of his treatment, the moral impression is conveyed in an intellectual form. There is something exhaustively satisfying in the whole process of the induction; we gird ourselves to new efforts as we follow him; his mastery takes hold of us; we are invigorated through and through. Hence this volume will serve the student as a drill-book in critical method. Robertson Smith once said that these studies are, perhaps, the finest things which modern criticism has to show; and Wellhausen has declared that the article on the Composition of the Sanhedrin would have been epoch-making if any one had read it.<sup>1</sup> Now, at last, it has been republished in a form which will enable it to produce on the many the effect which has, so far, been limited to the few.

The contents of this volume cover a wide range of subjects. An article on "Critical Method," which originally appeared in English in the *Modern Review*, 1880, comes first. It is important, as introducing

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<sup>1</sup> See Prof. Wicksteed's appreciative article on Kuenen in Vol. IV., pp. 571-605 of this REVIEW.

us to the principles and point of view of the author. Next we have studies in post-biblical history, which discuss the composition of the Sanhedrin, the genealogy of the Massoretic text, and the men of the Great Synagogue. Then we are carried down to the Protestant Reformation in a review of Hugo Grotius' position as an interpreter of the Old Testament; then comes a discussion on the "Melecheth of heaven" in Jeremiah, and then a long investigation of the chronology of the Persian age. Thus far all these studies were first communicated in the form of academic lectures, and afterwards published in the Transactions of the Royal Academy of Sciences, Amsterdam. The articles which remain are collected, with one exception, from the *Theol. Tijdschrift* between 1880 and 1890. Most of them deal with the criticism of the Hexateuch and the history of Israel. They are, primarily, reviews of the works of Dillmann, Baudissin, Renan, Kittel, Baethgen, and others, as they appeared from time to time. New Testament criticism finds a place in a discussion on an extravagant theory of the origin of the Greek text. It must be confessed that these reviews are not so interesting, and do not possess the same quality of permanence, as the more directly constructive studies. Incidentally, of course, Kuenen takes occasion to state his own views while criticising those of others; but, as his own views are generally accompanied by a reference to the *Onderzoek* or the *Godsdienst*, they may be more conveniently consulted there. But it is highly instructive to observe the way in which Kuenen treats his authors, he is always so respectful and fair-minded, so ready with a word of approval whenever it can be given. Even the extravagancies of M. Vernes are dissected with the most patient care. There is not wanting, too, a certain amount of judicious banter; but what strikes us most is the clear thinking and firm statement by which all these reviews are marked.

The student will probably gain most from the studies which deal directly with obscure problems of criticism and history. Among these may be mentioned especially the article on Gen. xxxiv. (the avenging of Dinah)<sup>1</sup>; and on Ex. xvi. (manna and quails), where it is

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<sup>1</sup> In Gen. xxxiv. 13 *all* the sons of Jacob form the treacherous plan to slay Shechem and his father; why, then, was it carried out by Simeon and Levi *alone*? Kuenen, p. 275, replies that Simeon and Levi, according to the earliest tradition (Gen. xlix. 5-7) must remain the principal actors; they were first in the field. But is this a sufficient explanation? According to another early tradition they and Dinah alone were the children of the same mother, Leah (Gen. xxix. 33 f. J; xxx. 21E). The two brothers would naturally be foremost in avenging the outrage upon their own sister.

noticeable that Kuenen parts company with Wellhausen and others, and refuses to assign any part of the chapter to J. It belongs, as a whole, he maintains, to the Priestly Document, the sections usually assigned to earlier narratives being due to interpolation or redaction (verses 4, 5, 25-30) influenced by a desire to lay additional emphasis upon the law of the Sabbath. Thus Ex. xvi. is to be regarded as the post-exilic counterpart to Num. xi. JE, which presents the ancient form of the manna and quails tradition.

It is beyond the scope of the present notice to give anything like an analysis of the different studies in this volume; but it may not be out of place to introduce readers to what is, perhaps, the most generally interesting study of them all, and a characteristic specimen of Kuenen's treatment, the article on the Composition of the Sanhedrin (pp. 49-81). Without going into the details of his thorough-going discussion, we may briefly sum up the main results.

After noticing the great diversity of opinion among scholars on the subject of the Sanhedrin, some, as Zunz and Graetz, holding that it was a fundamental and regular part of the Jewish constitution from B.C. 142 to A.D. 70, with the "deliverers of tradition" as its presidents, others, as Jost, contending that it existed more in theory than in fact, its powers being usurped by the High-priesthood, Kuenen proceeds to examine the three authorities of highest rank — the Talmud, the New Testament, and Josephus.

a. The Sanhedrin of the Talmud is composed of seventy-one members,<sup>1</sup> under a Nasi, or president. The qualifications for membership are not clearly stated. "All have a voice in matters of taxation and finance (*i.e.*, can become members of the lesser Sanhedrins), but in matters of life and limb only priests, Levites, and those related to priestly families, can deliver judgment" (*i.e.*, are eligible for the Great Sanhedrin).<sup>2</sup> On the question of the appointment of members and of qualifications for the presidency no direct information is to be had. We infer that a reputation for wisdom, skill in the law, humility and obedience, would mark out a man as a suitable candidate for admission; and we are told that a vacancy might be filled from the ranks of the "disciples of the wise" (תלמידי חכמים), the "disciple" being received into the Sanhedrin with a "laying-on of hands" (סמיכה). This Supreme Council was the ultimate court of appeal in all legal matters; to transgress its decision was a graver offence than to transgress the law itself. The relations between the High Priest and the Sanhedrin are not defined; but it is implied that he is not exempt from its jurisdiction. "The High Priest delivers judgment, but may himself be judged."<sup>3</sup> There is no trace in the Mishna that he

<sup>1</sup> See Num. xi. 4-34.

<sup>2</sup> Mishna, *Sanh.* cap. iv. § 2.

<sup>3</sup> *Sanh.* cap. ii. § 1.

was the regular president in virtue of his office. The "successors of the men of the Great Synagogue," Simon the Just, Antigonus of Socho, and the five "Pairs" (זוגות) who followed, down to Gamaliel and Simon II., that is from about B.C. 300 to A.D. 70, were regarded as the chief men in the Sanhedrin. These are described in the well-known passage in *Abôth* as the organs of tradition. In the case of the "Pairs," the first was the Nasi, the second the Ab-beth-dîn. Therefore we may conclude that the Sanhedrin, according to the Talmudic conception, was in the main *an assembly of Soferim*, of those whose chief interest and experience was in the law in all its bearings. And yet it could not have been altogether occupied with the technicalities which chiefly concerned the Soferim; as the constitutional embodiment of the Jewish State it had political and social functions to perform. Hence, it is probable that the strictly "legal" constituent was supplemented by another which was devoted to affairs.

*b.* From the Talmud we turn to the New Testament. The whole complexion of the case changes. The Sanhedrin is composed of "chief priests, elders, and scribes." The "chief priests" are those who belong to eminent priestly families, related to the High Priest; the "elders" are probably laymen; the "scribes," of course, correspond to the Soferim. It is further obvious that the High Priest (ὁ ἀρχιερεύς) is Nasi or President; it does not, however, follow that the Nasi, whether he were High Priest or some one else, would be called ὁ ἀρχιερεύς, such an every-day word could not have been used in more than one sense. In the New Testament, then, the High Priest is President of the Sanhedrin. It follows that the statements of the Mishna with regard to the succession of Nasis are untrustworthy. A further proof of this is the account in Acts. v. 34-40 of Gamaliel. He is none other than the grandson of Hillel, and according to the Talmud a Nasi of the Sanhedrin; but in the narrative of S. Luke he is merely "a Pharisee, a doctor of the law, had in honour of all the people." He stands up and speaks in the Council, and delivers his opinion; but it is as an ordinary member, not as president.

*c.* It is clear that the New Testament does not agree with the Talmud on this subject, nor does Josephus. In the account which he gives<sup>1</sup> of the summoning of Herod before the Sanhedrin in the reign of Hyrcanus II. (B.C. 47) we find that the High Priest, who is also the Prince, is the President of the Sanhedrin, and that Sameas,<sup>2</sup> who

<sup>1</sup> *Ant.* xiv. 9, §§ 3-5.

<sup>2</sup> It is uncertain whether Σαμίας is שמעון בן שטח or שמעיה. In either case the argument above holds good; for שמעון would be Ab-beth-dîn and שמעיה Nasi; neither of them, therefore, ordinary members. See Strack, *Die Sprüche der Väter*, p. 12, note *h*.

according to the Talmud was a Nasi, is only an ordinary member. Again, in two later passages<sup>1</sup> Josephus tells us that the High Priest Hanan II. summoned a *συνέδριον κριτῶν* on his own authority, and that Agrippa was petitioned by Levites to call a meeting of the Sanhedrin to obtain a change of law in their favour, and with the consent of the Council their appeal was allowed by the King. Once more Josephus, in the account of his dealings with the Sanhedrin, expressly distinguishes Simon, the son of Gamaliel, from Ananus (Hanan II.), the High Priest<sup>2</sup>; the former is "of the city of Jerusalem, and of a very noble family, of the sect of the Pharisees," certainly not the Nasi as represented in the Talmud.

Thus we see that Josephus agrees with the New Testament as against the Talmud, and the evidence of the two former is all the more impressive from the very fact that it is obtained only from incidental references. In fact, the *name* of the Supreme Council is almost the only point common to the three authorities. Having discussed the constitutional question, the historical naturally comes next. Does the history of the Jews in the centuries immediately before and after the Christian era admit of the existence of such a body as the Talmud describes? Passing over the details which Kuenen gives in support of his answer, we will notice only the leading conclusions. They are these:—

*a.* The form of government under which the Jews lived after the time of Alexander the Great was practically an aristocracy, or, as Josephus puts it, a *πολιτεία ἀριστοκρατικὴ μετ' ὀλιγαρχίας*. The High Priest was the head of the State; he was associated in authority with the chief priests (*οἱ ἀρχιερεῖς*), *i.e.*, members of the great priestly families who had a seat and voice in the council, supported the policy of their chief, and set the tone of the government. Class rule was the order of the day, and the class-rulers were the priests—*ὁ ἀρχιερεὺς καὶ ἡ γερουσία*. The Sanhedrin represented the aristocratic form of government. This exactly tallies with the accounts in the New Testament and Josephus.

*b.* The Sanhedrin must have existed from at least the third century B.C. The first mention of it by name occurs in Josephus' account of Hyrcanus II. (above), but a royal edict shows that a *γερουσία* existed in the time of Antiochus the Great (203 B.C.), while the Books of Maccabees imply that the High Priest was at the head of it. This council was distinct from the *δῆμος*, and closely connected with "elders and priests." It is difficult to date the origin of the national senate earlier than the beginning of the Greek age (330 B.C.). It may have been suggested by the national reforms

<sup>1</sup> *Ant.* xx. 9, § 1 and § 6.

<sup>2</sup> *Life*, § 38.

inaugurated by Ezra and Nehemiah, but as an institution it is unknown at that early period. The Talmud refers its foundation to Moses, but this, of course, cannot be supported any more than the view that it existed in the days of Ezra, which can only be true if we suppose, as some have done, that "the Great Synagogue" was the older name of the Sanhedrin. Now in *Abôth*, "the Great Synagogue" precedes the "Pairs," *i.e.*, the Presidents. But we have seen that the latter are unhistorical, that, in fact, the Sanhedrin was not composed as the Talmud describes it. The entire conception of this piece of ancient history is therefore seriously discounted, in fact, it is impossible to accept it. "The Great Synagogue" may correspond to the Sanhedrin of the Talmud, but it has little or nothing in common with the Sanhedrin of history.

c. We are now in a position to account for the development which the Sanhedrin underwent in the course of its existence. That changes, due partly to political necessity, partly to religious feeling, were gradually introduced into its constitution is only what we should expect. From Josephus, and from the New Testament, it is evident that at least as early as Hyrcanus II., and down to the destruction of Jerusalem, the *Soferim* or law-men had a place in the assembly. Was this the case from the first? If not, when did the change come about? We have seen that the government of the State was in the hands of the priests and their families. Their first concern was religion, but they were bound also to pay attention to politics. Another party, however, was rising into power and influence, the party of men whose sole interest was the Law and the national traditions. They were "the men of the people," uncompromising champions of the national faith, exclusive in their view of what the relations should be between Israel and other peoples. By degrees they forced their way into prominence; it became impossible to exclude them from the national senate, and in time the democracy of the Law became established in opposition to the aristocracy of the Priesthood. The rebellion against Antiochus Epiphanes was the turning-point in the accession of this democratic party to power; they claimed to be the guardians of the inheritance of Israel; they were ready to fight and to die for the faith of their fathers; in the eye of the nation they were the true Israelites.<sup>1</sup> As they gained predominance in the State the old aristocracy died out, although the traditions of the priestly party survived, and from time to time recovered their supremacy. But henceforth the party of the Law became a determining factor in the government. The Talmud itself preserves the tradition of the accession of this party to a share in the counsels of the nation. It says that John

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<sup>1</sup> Dan. xi. 33, 35; xii. 3.

Hyrchanus established the "Pairs." However unhistorical this may be, it probably contains an element of fact, namely, that the Has-monean High Priests sanctioned the entry of the Soferim into the Sanhedrin.

The question remains, how did the Talmudic conception of the Sanhedrin arise? It is hardly necessary to say that the Mishna and Gemara were committed to writing long after the aristocracy had lost their power by the break-up of the Jewish State. By that time the party of the Law was supreme; and the doctors of the Talmud held that the constitution which they were familiar with was the constitution which had existed from the first. At the same time, their view contained some details of fact. It is an interesting point to work out the unmistakable connection between the Talmudic view and Num. xi. Either the Jews conceived their Sanhedrin on the model of Num. xi., or the latter must be a post-exilic interpolation. But this is impossible; for Num. xi. is an early and independent document. Therefore, we conclude that the Talmudic doctors fashioned a more or less ideal constitution on the basis of the Mosaic ordinance, and at the same time connected it, according to their lights, with what they knew of the history of their national senate.

It only remains to be said that the translation which Prof. Budde has given us reads extremely well, and bears clear traces of the scholar-like and vigorous hand from which it comes. It is a matter for congratulation that Prof. Budde has found time in the midst of his own multifarious labours to confer this boon upon all students of the Old Testament, who, as they use it, will realise afresh how much they owe to the master-mind of Kuenen.

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### **Maimonides' Arabic Commentary on the Mishnah.**

IT was the merit of Pocock, the great collector of Hebrew and Arabic MSS. in the East—a collection which is the pride of the Bodleian Library—to have begun to edit parts of Maimonides' *Arabic Commentary on the Mishnah* in his *Porta Mosis* (Oxford, 1655, and re-edited in London, 1740). It contains, not as Pocock wrongly says, the introduction to the tractate of *Zeraim*, but the general introduction to the Mishnah, followed by the commentary on *Helek*—the tenth chapter of the tractate of *Sanhedrin* (re-edited critically